

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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GWEN G. BRYANT and  
DARREL BRYANT

Plaintiffs,

-vs-

INDYMAC FEDERAL BANK FSB,

Defendant.

**NOTICE OF MOTION FOR**  
**JUDGMENT ON THE PLEADINGS**  
**AS TO DEFENDANT INDYMAC**  
**FEDERAL BANK FSB**

Case. 08-23821 RDD

Adversary Case No. 09-08265

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**PLEASE TAKE NOTICE**, that upon the annexed affirmation dated September 18, 2009 of Tammy L. Terrell, Esq. of Fein, Such & Crane, LLP, attorneys for the Plaintiff herein, and the exhibits annexed thereto, and on the Answer of Indymac Federal Bank FSB previously filed herein, and upon all of the pleadings and proceedings heretofore had herein, the undersigned attorneys for Defendant Indymac Federal Bank FSB shall move before this Court, Honorable Robert D. Drain, U.S. Bankruptcy Court Judge, at the Courthouse thereof, United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York 10601, on the day of October 27, 2009 at 10:01 A.M., or as soon thereafter as counsel can be heard, for an order:

1. Pursuant to Rule 12(c) of the Federal Rules of Civil Procedure granting Defendant Indymac Federal Bank FSB Judgment on the Pleadings so as to dismiss the Adversary action with prejudice as to said Defendant on the grounds that the Complaint fails to state a claim upon which relief can be granted.

2. For such other and further relief as this Court may deem just and equitable.

Dated: Chestnut Ridge, New York  
September 18, 2009

/s/ Tammy L. Terrell  
Tammy L. Terrell, Esq..  
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